



City of Kelowna Regular Meeting Minutes

Date:	Tuesday, December 4, 2018
Location:	Council Chamber City Hall, 1435 Water Street
Members Present	Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Brad Sieben, Mohini Singh, Luke Stack and Loyal Wooldridge
Members Absent	Councillor Charlie Hodge
Staff Present	City Manager, Doug Gilchrist; City Clerk, Stephen Fleming; Community Planning Department Manager, Ryan Smith; Suburban and Rural Planning Manager, Dean Strachan; Acting Divisional Director, Community Planning & Strategic Investments, Derek Edstrom; Planner II, Lydia Korolchuk*; Planner II, Trisa Atwood* and Legislative Coordinator (Confidential), Clint McKenzie

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 7:02 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Donn.

3. Confirmation of Minutes

Moved By Councillor Given/Seconded By Councillor Donn

R1079/18/12/04 THAT the Minutes of the Public Hearing and Regular Meeting of November 20, 2018 be confirmed as circulated.

Carried

4. Bylaws Considered at Public Hearing

4.1 Radant Rd 575, BL11698 (Z18-0063) - Lihua Feng

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1080/18/12/04 THAT Bylaw No. 11698 be read a second and third time.

Carried

4.2 Highland Dr. N. 1720, BL11699 (Z18-0065) - Lidia B. Baumgart

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1081/18/12/04 THAT Bylaw No. 11699 be read a second and third time.

Carried

4.3 Riverside Ave 1848-1854, BL11700 (Z18-0045) - Lisa Carol White

Moved By Councillor Wooldridge/Seconded By Councillor Singh

R1082/18/12/04 THAT Bylaw No. 11700 be read a second and third time.

Carried

5. Notification of Meeting

The City Clerk advised that Notice of Council's consideration of these *Development Variance Permit Applications* was given by sending out or otherwise mailing 570 statutory notices to the owners and occupiers of surrounding properties on Tuesday, November 20, 2018.

Notice of these *Liquor Primary Licences* were advertised by being posted on the Notice Board at City Hall on Tuesday, November 20, 2018, and by being placed in the Kelowna Daily Courier issues on Friday, November 23 and Wednesday, November 28 and by sending out or otherwise mailing 303 statutory notices to the owners and occupiers of surrounding properties on Tuesday, November 20, 2018.

The correspondence and/or petitions received in response to advertising for the applications on tonight's Agenda were arranged and circulated to Council in accordance with Council Policy No. 309.

6. Liquor License Application Reports

6.1 Vaughan Ave, 760, LL18-0017 760 Vaughan Inc. No. BC1148021

Councillor Sieben declared a conflict as he has a financial interest in a neighbouring property and is involved in the insurance of the subject property. He left the meeting at 7:13 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Stack

R1083/18/12/04 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Rustic Reel Brewing Company for Lot 2, Section 30, Township 26, ODYD, Plan 23753, located at 760 Vaughan Avenue, Kelowna, BC for a manufacturer and lounge license for the hours of 11:00am to 9:00pm Tuesday to Thursdays, 11:00am to 11:00pm Friday and Saturdays, and 10:00am to 8:00pm on Sundays.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a) The location of the brewery: The brewery is located in an industrial setting near the City Centre;
 - b) The person capacity of the brewery lounge: The person capacity is 100 persons inside and 60 persons on exterior patio;
 - c) Traffic, noise, parking and zoning: The brewery is located in an industrial area and will have minimal negative impact on traffic, noise, parking, and the property is properly zoned;
 - d) The impact on the community if the application is approved: The potential for negative impact is considered to be minimal;

AND THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

Councillor Sieben returned to the meeting at 7:16 p.m.

6.2 June Springs Rd 3973-3975 LL18-0018 Edward and Marilyn Malcolm

Staff:

- Displayed a PowerPoint presentation summarizing the application.

Applicant was not present.

The City Clerk advised that no correspondence was received.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Donn

R1084/18/12/04 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Section 71 of the Liquor Control and Licensing Regulations and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from 0747052 BC Ltd dba Meadow Vista Honey Wines for a lounge endorsement for an outdoor patio for Lot A Section 3 Township 26 ODYD Plan KAP61317, located at 3975 June Springs Road, Kelowna, BC for the following reasons:

The use of the lounge endorsement area is to licence an outdoor patio space 50 sq.m. in size directly adjacent to the winery tasting room.

Council's comments on LCLB's prescribed considerations are as follows:

The location of the winery/special event area; The location of the winery is at 3975 June Springs Road, the proposed licenced areas are for an outdoor patio space on the site, 50 sq.m. in size.

The proximity of the winery/special event area to other social recreational facilities and public buildings; Within 1.1 km of South Kelowna Centennial Park sports fields and 1.8 km to Summerside Park. Within 1.1 km is South Kelowna Elementary School.

The person capacity of the winery patio area; The proposed service area has a maximum capacity of 20 people in total.

Traffic, noise, parking and zoning; The impact of noise on the surrounding community should be minimal as City Staff are recommending a restriction on amplified music as detailed in this report. The proposed service area is adjacent to the existing winery site, 27 m from the fronting road, and only in operation from 11 am to 8 pm daily. The creation of the licenced patio area may increase the amount of traffic in the area, however the increase may not be noticeable as the maximum seating is 20 persons. All parking is contained on site in the existing designated parking areas. The property is zoned A1 – Agriculture 1, which permits an alcohol production facility and a tasting room.

The impact on the community if the application is approved: The impacts to the community will be similar to those experienced under the current business over the last several years. Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 Liquor Licensing Policy and Procedures.

Carried

6.3 Bernard Ave 262, LL18-0021 - 432092 BC LTD., Inc. No. 432092

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments.

Staff confirmed the hours are consistent with adjacent competitors.

Moved By Councillor DeHart/Seconded By Councillor Donn

R1085/18/12/04 THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):
In accordance with Section 71 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from 432092 B.C. LTD., Inc. No. 432092 located at 262 Bernard Avenue, Kelowna, BC, legally described as Lot 1 District Lot 139 ODYD Plan 4153 and The West ½ of Lot 5 District Lot 139 ODYD Plan 505, for a permanent change to a food primary licensed hours of sales for License Number 162431 (Kelly O'Bryan's Pub) from existing hours of 10 AM – 12 AM (Seven days per week) to:

9:00 AM to 1:00 AM for the interior space with a capacity of 92 persons (Seven days per week) and,

9:00 AM to 12:00 PM for the rooftop patio with a capacity of 138 persons (Seven days per week);

That Council's comments on the prescribed considerations are as follows:

The potential for noise if the application is approved;

The potential impact for noise has been mitigated with restricted hours of operation for the rooftop patio to be more compatible with surrounding land uses.

The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

If the amendment may result in the establishment being operated in a manner that is contrary to its primary Purpose:

The permanent extension of hours to 1 am are consistent with other food primary establishments within the downtown urban centre.

THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

Carried

6.4 Enterprise Way 200-2600, LL18-0022 - Al Stober Construction Ltd., Inc. No. BC0170493

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Support:

Roy Sommerey, DS Lawyers, Leon Avenue
Adam Bright, Valley Road

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Sieben

R1086/18/12/04 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

Council recommends support of an application from Simplex Sportzone for Lot A District Lot 125 ODYD Plan 34283, Except Plans 38593, KAP72833 and KAP75054 located at 200-2600 Enterprise Way, Kelowna, BC, for a Liquor Primary license with a capacity of 50 persons and hours of sales from 11:00 AM to Midnight, Sunday to Saturday for the following reasons:

That Council's comments on the prescribed considerations are as follows:

The location of the establishment:

The proposed business is located in an industrial business park outside of the Midtown Urban Centre.

The proximity of the establishment to other social or recreational facilities and public buildings:

The property is adjacent to the Mill Creek Linear Park.

The person capacity and hours of liquor service of the establishment:

The maximum capacity of the business is 50 persons with proposed hours of liquor service from 11 am to midnight seven days per week.

The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

The clientele focus is to an all ages environment intended to attract families with children, corporate team building events and birthday/celebratory parties.

The impact of noise on the community in the immediate vicinity of the establishment if the application is approved:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal as the business is located within an industrial business park.

THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

Carried

6.5 Ellis St 1264-1275, LL18-0023 - Whitworth Holdings Ltd., Inc. No. 1059455

Councillor Sieben declared a conflict of interest as a shareholder in the adjacent property and left the meeting at 7:26 p.m.

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that no correspondence was received.

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor DeHart

R1087/18/12/04 THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):
In accordance with Section 71 of the *Liquor Control and Licensing Regulation* and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Ben Boschman for a liquor primary license for Lot 1 District Lot 139 ODYD Plan 660, located at 1264 Ellis Street, Kelowna, BC for a Liquor Primary license with a capacity of 50 persons and hours of sales from 11:00 AM to Midnight, Sunday to Saturday for the following reasons:

2. Council's comments on LCLB's prescribed considerations are as follows:

a. The location of the establishment:

The proposal will see a long-time vacant space within a heritage building on Ellis Street renovated to accommodate the cooking school within a portion of the second floor space.

b. The proximity of the establishment to other social or recreational facilities and public buildings:

The surrounding social and recreational facilities would not conflict with the proposed commercial cooking school. The business will add a type of entertainment venue which will support the cultural district in which it is located. The purpose of the cultural district is to develop and to enhance the area as a centre for arts and entertainment, and a catalyst for community and cultural development. The commercial cooking school complements and enhances the entertainment and service value of the neighbourhood.

c. The person capacity and hours of liquor service of the establishment:

The cooking school has a total capacity of 56 persons (Classroom 1 -26 persons, Classroom 2 – 30 persons). Hours of operation will be between 11 am – 11 pm (Sunday -Saturday).

d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

The subject property is within the Cultural District with both Prospera Place and the Casino located to the west of the building and the Laurel Packing House is to the south. There are a number of restaurant, pubs and coffee shops within the immediate area.

The Commercial Cooking School will provide a form of entertainment missing in the downtown core. Kelowna has a growing food, winery, brewery and cidery culture. This business is intended to complement these uses by showcasing locally grown and produced products in the cooking classes.

e. The impact of noise on the community in the immediate vicinity of the establishment:

The potential impact for noise is minimal and would be compatible with surrounding land uses. The noise levels would not increase for the surrounding area as the proposed business has a relatively low occupancy and is adjacent to a number of existing entertainment venues which includes: Prospera Place, Playtime Casino, the Laurel Packinghouse, BNA Brewpub and the Train Station Pub.

f. The impact on the community if the application is approved:

The potential for negative impacts is considered minimal as the proposed business is within the Cultural District, which encourages arts and entertainment within the area.

AND THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures."

Carried

Councillor Sieben returned to the meeting at 7:28 p.m.

7. Development Permit and Development Variance Permit Reports

7.1 Cantina Ct 680 & 704, BL11577 (OCP17-0020) - Gillen Investments Inc., Inc. No. BC0528682 & Emil Anderson Construction Co. Ltd., Inc. No. C0172755

Moved By Councillor Stack/Seconded By Councillor DeHart

R1088/18/12/04 THAT Bylaw No. 11577 be amended at third reading by deleting the legal descriptions that read:

- portions of Lot 15 District Lot 1688S SDYD Plan KAP71342
- portions of Lot 15 District Lot 1688S SDYD Plan KAP71342
- portions of Lot 56 District Lot 1688S SDYD Plan KAP68647 Except Plan KAP71342

And replacing it with:

- portions of Lot A DL 1688S SDYD Plan EPP80945
- That part of Lot 15 DL 1688S SDYD Plan KAP71342 shown on Plan EPP80944
- portions of Lot A DL 1688S SDYD Plan EPP80945,

AND THAT Bylaw No. 11577 be adopted.

Carried

7.2 Cantina Ct 680 & 704, BL11578 (Z17-0091) - Gillen Investments Inc., Inc. No. BC0528682 & Emil Anderson Construction Co. Ltd., Inc. No. C0172755

Moved By Councillor DeHart/Seconded By Councillor Stack

R1089/18/12/04 THAT Bylaw No. 11578, as amended, be adopted.

Carried

7.3 **Cantina Ct 680, DP17-0283 & DVP17-0284 - Gillen Investments Inc., Inc. No. BC0528682, Emil Anderson Construction Co. Ltd., Inc. No. C0172755 & City of Kelowna**

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:
Nicole and Brett Foster, Cantina Court

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

R1090/18/12/04 THAT Council authorizes the issuance of Development Permit No. DP17-0283 for Lot A DL 1688S SDYD Plan EPP80945, located at 680 Cantina Court, Kelowna, BC subject to the following:

The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

Landscaping to be provided on the land be in accordance with Schedule "C";

The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0284 for Lot A DL1688S SDYD Plan EPP80945, located at 680 Cantina Court, Kelowna, BC;

AND THAT variances to the following sections of Subdivision, Development, & Servicing Bylaw No. 7900:

Section 4.6: Curb and Gutter, Sidewalks and Bike Lanes

To allow the property to have more than 1 driveway per street frontage (1 permitted, 6 proposed);

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application and Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.4 Union Rd 2053 and Summerhill Pl 148, DVP18-0114 - Mehdi Tehrani, City of Kelowna

Staff:

- Displayed a PowerPoint presentation summarizing the application.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Peter and Michelle Wingfield, Summerhill Place

Mehdi Tehrani, Arborview Drive, Applicant

- Displayed a PowerPoint presentation.

- Provided comments on each lot and the rationale for the variances being requested along with an overview of the frontage upgrades that the five-lot subdivision will provide.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Larry Nickel, Naito Court

- Opposed to variances, concern variances will result in too many lots for the site.

- Garbage trucks cannot make the turn in the cul de sac today.

Applicant

-Emphasized that each duplex will have a standard double garage and driveway and that the shape of the lots dictate the variances being requested.

There were no further comments.

Moved By Councillor Donn/Seconded By Councillor Wooldridge

R1091/18/12/04 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0114 for Lot M, Section 4, Township 23 ODYD, District Plan KAP56062 located at 2053 Union Road, Kelowna, BC; and Lot N, Section 4, Township 23, ODYD, Plan KAP56062 located at 148 Summerhill Place, Kelowna, BC

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted as described in the proposed Subdivision Plan in Schedule A:

Section 13.6.5(b): Urban Residential Zones

To vary lot width from 18.0 m to 13.46 m for proposed Lot A

Section 13.6.5(c): Urban Residential Zones

To vary the lot depth from 30.0 m to 29.0 m for proposed Lot A and 28.51 m for proposed Lot D.

Carried

7.5 Boynton PI 665, DP18-0142 & DVP18-0143 - Boynton Developments (Kelowna) Ltd

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

John Mullock and Shelley Johnson, Traditions Crescent
Joe and Christine Ungaro, Traditions Crescent

Brook Knowles Melchin, Applicant's Architect

- Displayed a PowerPoint presentation. Emphasized the development strives to break the massing of the project.
- Form and character design aspects were highlighted and comment was provided on how the slope impacted the design.
- Responded to questions from Council.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Albert Rampone, Boynton Crescent

- Raised concern with parking in the neighbourhood given the number of units being added.

Christie Abrey, Boynton Place

- Primary concern is parking with additional development in the area.
- No transit within a 15 minute walk from the neighbourhood.
- Concerned with the variance and impacts on engineering of retention pond.
- Concerned with safety given the vehicle access to and from the development, especially along Boynton
- Responded to questions from Council.

Paul McCrae, Boynton Place

- Opposed to the variance, intensify parking and traffic dangers in the neighbourhood.

Dominica Desentes, Boynton Place

- Variances on the rear side of the development negatively impacts the privacy of the adjacent townhomes on the back as those units will be looking down into the yards.

Wes Rota, Traditions Lane

- Concerned variances do not match any of the adjacent developments in the area.
- Referenced a mailout that was sent to the neighbourhood by the developer that mentioned there was not going to be setback variances.
- The development does not meet the characteristics of the neighbourhood – it will not maintain the park like feel of the area with the variances being requested.

Applicant

- Confirmed that the neighbourhood mailout was incorrect regarding not requiring variances as the requirements were corrected through the completion of the formal application with City staff.
- Reviewed the variances.

Staff

- Confirmed there are no plans to connect Highpointe Drive to Clifton Road - access will be at Boynton on Clifton.
- Reviewed the variances.

There were no further comments.

Moved By Councillor Stack/Seconded By Councillor Sieben

R1092/18/12/04 THAT Council authorizes the issuance of Development Permit No. DP18-0142 and Development Variance Permit No. DVP18-0143 for Lot 5 Sections 31 and 32 Township 26 ODYD Plan KAP86216, located at 665 Boynton Place, Kelowna, BC subject to the following:

The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

Landscaping to be provided on the land be in accordance with Schedule "C";

The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;
AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.10.6(d): RM4 – Transitional Low Density Housing Development Regulations]
To vary the required minimum front yard from 6.0 m required to 1.5 m proposed;

Section 13.10.6(e): RM4 – Transitional Low Density Housing Development Regulations]
To vary the required minimum flanking side yard from 4.5 m required to 1.5 m proposed;

Section 13.10.6(f): RM4 – Transitional Low Density Housing Development Regulations]
To vary the required minimum rear yards from 9.0 m required to 7.5 m and 1.3 m proposed;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.6 Barnaby Rd 771, BL11660 (Z18-0074) - Trevor James Taylor and Lori-Lynn Taylor

Moved By Councillor Stack/Seconded By Councillor DeHart

R1093/18/12/04 THAT Bylaw No. 11660 be adopted.

Carried

7.7 Barnaby Rd 771, DVP18-0146 - Trevor James Taylor and Lori-Lynn Taylor

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that no correspondence was received.

The Applicant was present and available for questions.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

No one from the Gallery came forward.

There were no further comments.

Moved By Councillor Singh/Seconded By Councillor Given

R1094/18/12/04 THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0146 for Lot 2 District Lot 357 Similkameen Division Yale District Plan EPP73196, located at 771 Barnaby Road, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted in general accordance with Schedule "A":

Section 9.5b.1(h): Carriage House Regulations: Development Regulations in Residential, Health District and Comprehensive Development Zones

To vary the required minimum front yard from 9.0 m permitted to 4.5 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

7.8 Water St 1300, DVP18-0147- DHL No.48 Holdings Ltd., Inc. No. C1105825

Staff:

- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

The City Clerk advised that the following correspondence was received:

Letters of Opposition and Concern:

Steve Sinclair-Smith, Water Street
Denise Hamilton and Joni Pypers, Water Street
Glen Quantz, Water Street
Ingrid Jarrett, The Royal Kelowna, Water Street

Letters of Support:

Shiera Stuart B. Comm, MBA, Gateway Casinos & Entertainment Ltd.

Shiera Stewart Gateway Casinos, Applicant

- Made reference to electronic signs the norm at other casinos including Chances in Kelowna.
- Content of the sign will benefit community and compliment the Cultural District.
- Currently there are other signs in the area. Willing to work on the size and the context of the sign. No intention to allow advertising or revenue generating third party messaging.

Mayor Basran invited anyone in the public gallery who deemed themselves affected to come forward, followed by comments of Council.

Gallery:

Kelly Hutchinson, Glenpark Drive

- Opposed to the signage variance going ahead; sign bylaw regulations are working and support staff recommendations.
- Applicant has not provided good reasons for the variances.
- Sign would be dangerous to the public, in particular pedestrians.

There were no further comments.

Moved By Councillor Given/Seconded By Councillor Singh

R1095/18/12/04 THAT Council does not authorize the issuance of Development Variance Permit No. DVP18-0147 for Lot 1 District Lots 139, 4041 and 4082 Osoyoos Division Yale District Plan KAP73542, located at 1300 Water Street, Kelowna, BC;

AND THAT variances to the following sections of Sign Bylaw No. 11530 **not be supported**:

Section 10 - Major Commercial Zones; 10.1 Signs Requiring a Permit
To allow an Electronic Message Centre Sign in the C8 Zone;

Section 4.32 (e) Electronic Message Centre
To increase the maximum area of the sign from 2.0 sq m to 8.27 sq m.

Carried

8. Reminders

There were no reminders.

9. Termination

The meeting was declared terminated at 9:03 p.m.

Mayor Basran

/cm

City Clerk